

RESOLUTION NUMBER 2011- 028

A RESOLUTION OF THE KEY WEST PLANNING BOARD TO ALLOW AN EXTENSION OF APPROVED VARIANCE FOR IMPERVIOUS SURFACE REGULATIONS IN THE MEDIUM DENSITY RESIDENTIAL (MDR) ZONING DISTRICT PER PLANNING BOARD RESOLUTION 2009-022 FOR PROPERTY LOCATED AT 19 HILTON HAVEN DRIVE (RE#00002180-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.



WHEREAS, Planning Board Resolution 2009-022 extended Board of Adjustment Resolution 08-174; approving an impervious surface coverage variance for the subject property; and

WHEREAS, Board of Adjustment Resolution 08-174 allowed an extension if the applicant demonstrated that no change of circumstances to the property or its underlying zoning has occurred; and

WHEREAS, the applicant requested a 24 month extension from the effective date of the variance extension; and

WHEREAS, the applicant has demonstrated that no change of circumstances to the property or its underlying zoning has occurred; and

WHEREAS, the applicant submitted a timely request for extension and demonstrated that

 Vice-Chairman
 Planning Director

there are no changes to circumstances regarding the original variance approval; and

WHEREAS, the granting of the variance extension will be in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

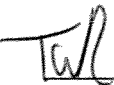

Section 2. That the variance extension granted by Planning Board Resolution 2009-022, to **IMPERVIOUS SURFACE COVERAGE** in the **MDR, Medium Density Residential Zoning District**, under the Code of Ordinances of the City of Key West, Florida, is hereby extended for an additional period of 24 months **FOR THE PROPERTY LOCATED AT 19 HILTON HAVEN DRIVE (RE# 00002180-000000)**, SEE ATTACHED PLANS dated 6/01/09, with the following conditions:

Section 3. It is a condition of this variance that full, complete, and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 24 months.

Section 4. This variance extension does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

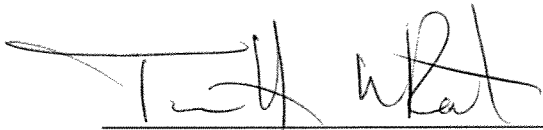
Section 4. This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 5. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

 Vice-Chairman
 Planning Director

Read and passed on first reading at a special meeting held this 29th day of June, 2011.

Authenticated by the Vice-Chairman of the Planning Board and the Planning Director.

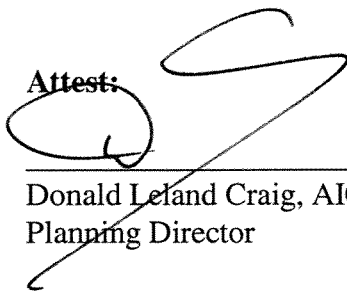


Timothy Root, Vice-Chairman
Key West Planning Board

7/11/11

Date

Attest:

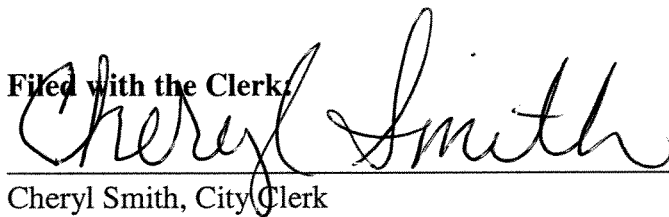


Donald Leland Craig, AICP
Planning Director

7/11/11

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

7-11-11

Date

 Vice-Chairman
 Planning Director